



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,832	06/25/2001	John Ruckart	60027.0002US01/BS00375	9399

23552 7590 06/09/2003

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
----------	--------------

2645

DATE MAILED: 06/09/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

10

Office Action Summary

Application No.

09/888,832

Applicant(s)

RUCKART, JOHN

Examiner

Ovidio Escalante

Art Unit

2645



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4 6) ☐ Other: _____

Art Unit: 2645

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement submitted on November 27, 2002 and May 8, 2003 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings submitted on June 25, 2001 have been approved by the drafts person.

Claim Objections

3. Claims 12 and 26 are objected to because of the following informalities: in line 7 insert, "is" after "call". Appropriate correction is required.

4. The claim numbering is incorrect since there is no listing of a claim 11. The Examiner respectfully asks the Applicant to renumber the claims in accordance with 37 CFR 1.126 which requires the claims to be numbered consecutively beginning with the number next following the highest numbered claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 28 is rejected under 35 U.S.C. 102(a) as being anticipated by gwmizer@bellsouth.net, Projected Caller ID, (hereinafter gwmizer).

Regarding claim 28, gwmizer teaches a method of proving visual caller identification, (projected caller ID; see description of eBay item), comprising the steps of:

receiving a call at a caller identification device, (see description of eBay item); and
projecting information (phone caller ID) about the call onto a projection surface, (remote surface, e.g. wall, ceiling or small screen; see description).

7. Claim 28 is rejected under 35 U.S.C. 102(e) as being anticipated by Chen US Patent 6,065,844.

Regarding claim 28, Chen teaches a method of providing visual caller identification, (abstract; fig. 1), comprising the steps of:

receiving a call at a caller identification device, (col. 1, lines 11-17); and
projecting information about the call onto a projection surface (mirror), (fig. 1; col. 2, lines 3-11; caller ID is projected using two-way and one-way mirrors).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1, 16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabkel US Patent 5,999,613 in view of Shnier US Pub. 2002/0009184.

Regarding claims 1 and 16, Nabkel teaches a method of providing visual caller identification in an Advanced Intelligent Network, (col. 3, lines 45-48, 54-59), including a switch (SSP; col. 4, lines 7-18), a service control point (SCP; col. 4, lines 20-29) and a database of caller identification information, (col. 5, lines 13-19), wherein the service control point is functionally connected to the switch, (fig. 3), and wherein the method comprises the steps of:

receiving a call from a calling party at a caller party switch directed to a called party at a called party switch, (col. 4, line 66-col. 5, line 2; fig. 3);

sending call information associated with the caller to the service control point, (adjunct processor/software module 12; col. 3, lines 65-67), the call information including the directory number of the calling party, (col. 5, lines 13-19);

at the service control point, (SCP), query the database of caller identification information for caller identification information associated with the caller, and comparing the directory number of the calling party to one or more directory numbers saved by the called party, (col. 5, lines 19-24);

comparing the directory number of the calling party with the one or more directory numbers saved by the called party, (col. 5, lines 19-24); and

sending the caller identification information to a called party caller identification device via the called party switch, (col. 3, lines 44-48; the subscriber's device receives a visual indicator information).

Nabkel does not specifically teach of displaying different visual identification indicators based upon the received caller identification information.

Shnier teaches a method of providing visual caller identification, (paragraph 89; fig. 3; LEDs 201, 202, and 203 show whether the caller ID information had a reason code). Shnier further teaches that it was well known in the art to have receive caller ID information and if one of the directory numbers saved by the called party matches the directory number of the calling party, displaying a first visual identification indicator, and displaying the caller identification information associated with the call, (paragraphs 54 and 101; LED 201 "recognized" is illuminated and the caller name and number is displayed);

if one of the directory numbers saved by the called party does not match the directory number of the calling party, displaying a second visual identification indicator, and displaying the caller identification information associated with the call, (paragraphs 54 and 98; LED 202 "unrecognized" is illuminated); and

if no caller identification associated with the call, displaying a third visual identification indicator, and displaying a message that no caller identification information associated with the call is available, (paragraphs 35 and 93; LED 203 "unavailable" is illuminated and the standard caller ID identifier "private" or "out of area" is displayed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Nabkel by displaying three different visual

Art Unit: 2645

indicators based upon the received caller ID as taught by Shnier so that a user can decide, based on illuminating lights and without having to go to read a display, whether to answer a call.

11. Claims 2-10 and 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabkel in view of Shnier and further in view of Lee et al. US Pub. 2002/0183098.

Regarding claims 2,5,8 and 13-15,17,20 and 23, Nabkel in view of Shnier, as applied above, teach displaying a first and second visual identification indicator and displaying the caller identification information associated with the call and displaying a third visual identification indicator, and displaying a message that no caller identification information associated with the call is available. While Nabkel and Shnier further teach illuminating at least a first, second and third LEDs to indicate various information of the caller ID, Nabkel and Shnier do not specifically teach whether or not the LEDs are the same or different colors and thus does not teach of having three different colored LED lights. However, the Examiner notes that it would have been obvious to one of ordinary skill in the art that the LEDs of Shnier would be at least a first color and thus will illuminate a first colored light since all LEDs light up a translucent color casing around the diode components.

Lee teaches of a telephone device which is capable of receiving an incoming caller ID and wherein the device is capable of illuminating a first, second, and third colored light or flashing a light according to a first, second and third flashing sequence, (paragraphs 8 and 18), and displaying the caller identification information on a readable display screen of the caller identification device, (fig. 1). Lee teaches that the LED illuminates or flash based upon predetermined criteria such as who is calling. One of ordinary skill in the art would have been motivated to modify the system of Nabkel and Shnier to use three different colors to represent

Art Unit: 2645

the three different incoming call types so that the incoming call can be more attractive, (paragraph 8).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shnier by illuminated and flashing different color LEDs as taught by Lee so that reason codes can be recognized by the light emitting elements and so that the appearance of the caller ID device can be fascinated.

Regarding claims 3,4,6,7,9,10, 18,19,21,22,24 and 25, while Nabkel, Shnier and Lee, as applied above, teach wherein illuminating a first, second and third colored light includes illuminating a yellow, red and blue LED light, Nabkel, Shnier and Lee do not specifically teach of illuminating/flashing a green, yellow, red light in accordance with the three different incoming events, during displaying the caller identification information.

However, Lee teaches that it was well known in the art to have at the LEDs be at least the primary colors so that the user can associate a color with a certain caller ID as shown above in paragraph 18 of Lee. One of ordinary skill in the art would have been motivated to include any color diode that is available so that the incoming call can be illuminated/flashed based upon a color that is more attractive to the user.

The Examiner also notes that it is a matter or design choice to have a certain color represent a certain condition such as caller ID located in the database or caller ID not located in database.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shnier and Lee to include the color of at least green so that the user can recognize the incoming call based upon the color of the LED lights.

Regarding claims 12 and 26, Nabkel in view of Shnier teach wherein displaying a message that no caller identification information associated with the call is available, further includes:

if caller identification information associated with the call is blocked from display, displaying an indication that the call is a private call, (paragraph 35; "Private" is displayed); and

if caller identification information associated with the call is not located during querying a database for caller identification information associate with the call, displaying an indication that the call from an unknown calling area, (paragraph 93, "Out of Area" is displayed).

As discussed above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Nabkel by displaying visual indicators based upon the received caller ID as taught by Shnier so that a user can decide, without having to go to read a display, whether to answer a call.

12. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shnier in view of gwmizer@bellsouth.net, Projected Caller ID, (hereinafter gwmizer).

Regarding claim 29, Shnier teaches a method of providing visual caller identification, (paragraph 89; LEDs 201,201 and 203 show whether the caller ID information had a reason code; and the device of Shnier displays the name and number of the incoming call), comprising the steps of:

- saving a plurality of directory numbers, (paragraph 31);
- saving visual information for each of the plurality of directory numbers, (paragraphs 89 and 93; name, number and reason code information is stored);
- receiving a call at a caller identification device, (paragraph 92);

querying a database (telephone company records) for caller identification information associated with the call, (paragraph 18);

sending the caller identification information to a caller identification device, (paragraph 93; caller ID is received from the network);

comparing the directory number associated with the call with the plurality of directory numbers, (paragraph 101);

if one of the plurality of directory number matches the directory number associated with the call, displaying the saved information associated with the directory number onto a display, (paragraphs 54 and 101); and

if one of the plurality of directory numbers does not match the directory number associated with the call, displaying caller identification information associated with the call onto a display, (paragraphs 54 and 98).

While Shnier teaches of displaying the caller identification, Shnier does not specifically teach of projecting the caller identification onto a projection surface.

Gwmizer teaches that it was well known in the art to have a caller ID device that is capable of projecting the caller ID onto a projection surface. Gwmizer teaches that one would have been motivated to project the caller ID a person can be asleep in bed and be able to look up at the ceiling to see who is caller at 2 am, (see description of eBay item).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Shnier by projecting the caller ID onto a projection surface as taught by Gwmizer so that a user can view the incoming call from a remote surface without having to go to the actual caller ID display.

Art Unit: 2645

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee, Korean Pub. No. 2002014945, teaches of a device for having LEDs with different colors which will be illuminated base upon the caller ID.

Mize, US Pub. 2003/0095650 teaches of a projector for projecting caller ID onto a projection surface.

Ross, III US Pub. 2003/0092384 teaches of projecting caller ID onto a windshield of a vehicle from a radiotelephone.

Lew et al. US Pub. 2002/0191755 teaches of using an AIN system to deliver caller ID to a subscriber.

14. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 872-9314, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Sixth Floor (Receptionist).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is (703) 308-6262. The examiner can normally be reached on Monday to Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (703) 305-4895. The fax phone number for this Group is (703) 872-9314.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [fan.tsang@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ovidio Escalante
Examiner
Group 2645
May 28, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

